

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
CIVIL TRIAL MINUTES**

Phoenix Division

HON: NEIL V. WAKE

CV 15-01132-PHX-NVW    DATE: 12/12/2017

Austin Flake, et al                      v.   Joseph Arpaio, et al  
Plaintiff(s)                                      Defendant(s)

Deputy Clerk: Rebekka Walder    Court Reporter: Laurie Adams

Stephen Montoya and Richard Trujillo with Plaintiffs Austin Flake and Logan Brown  
Plaintiff(s) counsel

Evan Hiller and Jeffrey Leonard on behalf of Defendants  
Defense counsel

**PROCEEDINGS: / X / JURY TRIAL /    / COURT TRIAL /    / VOIR DIRE /    / JURY SWORN**

Trial Day #   4      Waiver of Jury trial filed   n/a  

8:49 a.m. Reconvene. Jury is not present. The Court addresses Plaintiffs' counsel regarding courtroom decorum. IT IS ORDERED that Mr. Montoya remain at the podium during examination and not address the jury with forms of witness questions as discussed on the record, or the questions will be stricken for improper form. Exhibit 30a is discussed. Defense counsel advises that Exhibit 30b represents Exhibit 30a with Plaintiffs' requested redactions, and Exhibits 30c-q are the unredacted documents of Exhibit 30a. Testimony of George J. Hogge discussed. 9:07 a.m. Jury is present. The Court explains that Defendants will be calling a witness due to a scheduling conflict, although the trial is still on Plaintiffs' case. George J. Hogge is sworn and examined. Exhibit 30p is admitted over the objection of Plaintiffs, for the purpose of showing what was presented to Detective Trombi and others as potential bases for recommending criminal charges. Witness is excused. 10:43 a.m. Recess.

11:08 a.m. Reconvene. Jury is present. **Plaintiffs' case continued:** Logan Brown, previously sworn, is further examined. 12:29 p.m. Jury is excused from the courtroom and court remains in session. Discussion held regarding circumstances surrounding the outcome of the County's case. 12:41 p.m. Recess.

1:35 p.m. Reconvene. Jury is present. Logan Brown is further examined. Defendants move to admit Exhibit 30g. The Court sustains Plaintiffs' objection and denies the admission of Exhibit 30g. Defendants move to admit Exhibit 30q. Plaintiffs object. The Court will further discuss the admission of Exhibit 30q outside the presence

of the Jury. The parties may recall the witness if necessary should her testimony conclude before a ruling. Exhibit 53 is admitted. After brief discussion, Exhibit 47 is admitted. Exhibits 48, 49 and 50 are admitted. 3:20 p.m. Jury is excused from the courtroom and Court remains in session. Discussion held regarding Exhibit 30q. Defendants may use portions of Exhibit 30q as discussed on the record in their cross-examination; however the exhibit will need to be further redacted in order to be admitted. Remaining trial schedule discussed. Testimony of M.L. "Andy" Anderson discussed. 3:35 p.m. Recess.

3:50 p.m. Reconvene. Jury is present. Logan Brown is further examined. Exhibit 30b is admitted. Austin Flake is sworn and examined. 5:00 p.m. Jury excused until 9:00 a.m. on December 13, 2017, and court remains in session. Matters discussed.

5:05 p.m. Court adjourned until 9:00 a.m. on December 13, 2017.